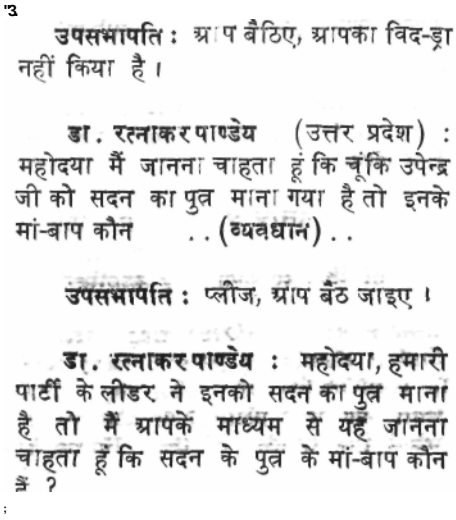
SHRI p. SH1V SHANKER. IN five hours it is two aftd a half hours.

THE DEPUTY CHAIRMAN: No. But, two hours and 15 minutes or whatever it is, let us net haggle about one minute or two minutes. Whatever time is allocated to the Congress Party, would be given fully. If other Members want to withdraw, then I think you have no objection.

SHRI P. SHIV SHANKER: No. Why should I object? We will welcome them to withdraw.

SHRI SUBRA'MANIAN SWAMY (Uttar Pradesh): I am on a point of order... *(Interruptions)...*



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उपसभापति : आप बैठिए, आपका विद-ड्रा नहीं किया है।

डा. रत्नाकर पाण्डेय (उत्तर प्रदेश) : महोदया मैं जानना चाहता हूं कि चूंकि उपेन्द्र जी को सदन का पुत्र माना गया है तो इनके मां-बाप कौन . . (व्यवधान) . .

उपसभापति : प्लीज, आप बैठ जाइए।

डा. रत्नाकर पाण्डेय : महोदया, हमारी पार्टी के लीडर ने इनको सदन का पुत्र माना है तो मैं आपके माध्यम से यह जानना चाहता हूं कि सदन के पुत्र के मां-बाप कौन हैं ?

THE DEPUTY CHAIRMAN; I don't know. We are not discussing that.

SHRI SUBRAMANIAN SWAMY: The Leader of the House has just said that they will withdraw all their speakers from the debate. Now, it is well known that there are two factions, clearly, in that party. So which faction's speakers will be withdrawn, could he make that clear?

THE DEPOTY CHAIRMAN; When the time comes, you will know. We will take up Special Mentions now. Mr. M. C. Bhandare.. .*(Interruptions)*. .. I request you, let me handle this House in order. Please, I implore *upon the* Member!I want to nounce to the House before Honourable Members leave, that the, division would be at six o'clock today.

SHRI M. M. JACOB (Kerala): Why this exodus?

THE DEPUTY CHAIRMAN: For lunch. Everybody is hungry, I think.

SPECIAL MENTIONS

Alleged negligence in Medical Treatment of the Former Chief Justice off India who died in London

SHRI MURLIDHAR CHANDRA-KA'NT BHANDARE (Maharashtra): Madam, I rise to place before this House the anguish and anger not only of the members of the Bar and the judiciary but of the large masses of the people of this country over the negligence in rendering medical assistance and treatment to late Chief Justice, Sabyasachi Mukharji, Chief Justice of India in London prior to his demise.

On the 25th of September 1990, Chief Justice Sabyasachi Mukharji breathed his" last *int t*he /Royal: Free Hospital, Hampstead, in U.K. Justice Sabyasachi Mufeharji had assumed ffte high Office of Chief Justice hardly nine months earlier. By his indepehrdence, integrity and industry he had brought a new lustre to this high office. When he left to attend the Fifth Appellate Judges Conference in the USA, nobody had imagined that he would not return to India alive. His sudden and premature death is a great loss to the judiciary in our country, particularly at a time when it is going through difficult times. Chief Justice Mukharji strengthened the impartial and independent image of the judiciary.

His sudden death has raised several questions. Shri Mukharji, when he alighted from the plane at the

Heathrow Airport at London, collapsed on the shoulders of the Minister (Supply). After giving perfunctory medical treatment, he was made to ride in a car fOr over an, hour and reach the city where he again felt giddy. He was removed to the Royal Free Hospital. On reaching the Hospital, he was kept on a wheel chair in the corridor which the High Commission explains as an Emergency Ward. He remained in that position in the corridor-cum-emergency ward from morning till evening. If does appear that since this was treated as a private visit, the Indian High Commission took its own time to worry itself on who would be paying the bill of Justice Mukharji. Mrs. Ratna Mukharji, widow of the late Chief Justice, has specifically alleged that they could manage to get a room in the Hospital only through their acquaintances. Obviously, the cabin was for orthopaedic patients and not diabetic or for heart patients. The explanation given by the Indian High Commission does not mention anything about this position. Mr. Mukharji was not shifted to the Cardiac Care Unit before the 22nd of September. Obviosuly, for all that time he had a difficult heart condition which was not attended to promptly. The negligence and lack of attention was so much that according to Mrs. Mukharji the Chief Justice was insisting everday that since he was not getting proper medical attention, he should be sent back, immediately to India. The words of late Chief Justice were, and I quote:

"When I go back to India I will tell the Prime Minister that his Government should not insist on sending judges for international conferences since it cannot look after them abroad."

Attempts were also made to fly in his Private Secretary from India as the attention paid to Mr. Mukharji was inadequate.

THE DEPUTY CHAIRMAN: Mr. Bhandare, I would only request you, please to be a little brief because it is a very sad incident.

SHRI Murlidhar CHANDRA-KANT BHANDARE; It is a very important matter.

THE DEPUTY CHAIRMAN: It is very important and very sad.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: This concerns judiciary.

One can imagine to what extent it must have aggravated his deteriorating health because of such negligence. Mr. Kuldip Nayar found only one occasion to visit him on the 21st. We are aware that he was recovering from an early operation. We fail to understand why he could not pay a second visit when the condition of Chief Justice Mukharji became more serious.

The Royal Free Hospital administration has agreed for a probe if asked for by the relatives of late Chief Justice Mukharji. There is also a report that the Indian High Commission is taking action against one of its panel doctors in attendance on Chief Justice Mukharji. All these and other issues have caused great anguish and anger amongst the judiciary and members of the Bar in the country. The A'cting Chief Justice Rangnath Misfa, in a full court reference to pay homage to the memory of lete Chief Justice Mukharji, has pointedly referred to this negligence.

The Supreme Court Bar As-1.00 P.M. sociation has passed a resolution calling for a probe. The explanation issued by the High Commission is totally perfunctory and unsatisfactory. It is unfor-tuante that the Chief Justice of India should be treated in this casual and callous manner and time should be wasted in finding out who would have paid the Bill. All this requires a detailed probe by a high level committee to be presided over by a sitting judge of the Supreme Court. I hope the House Joins me in making this de-

[Shri Murlidhar Chandrakant Bhandare]

Mand. The country is entitled to know that there was neglect or no neglect, attention or lack of attention.

Judiciary', under our Constitution, is ' as important a pillar of democracy as the Legislature and the Executive. It is very unfortunate that the Chief Justice of India does not get a State funeral. This is shocking. I think he should be given the same respect, which is given to the President, to the Prime Minister, to the Vice-President or the Speaker. The sooner we change our rules of protocol, the better it is.

It is further shocking to know that the Prime Minister, Mr. V. P. Singh did not attend the funeral—Heads of State from other countries come to attend the funeral when a Head of State dies—particularly when the Prime Minister was in Delhi. What is even more painful is that he asked justice B. C. Ray, when he visited the residence of Chief Justice Makhaji .(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Bhandare, can you be brief? We have got a lot of business.

SHRI MURLIDHAR CHANDRAKANT BHANDARE:.. .whether he should come again? It is indeed regrettable that the Prime! Minister does not join the funeral of a sitting Chief*i* Justice of India. This speaks volume,' for his respect for the judiciary. I hope this House joins me in demanding the probe, which I have asked for.

श्री राम नरेश यादव (उत्तर प्रदेश) : महोदया, यह बहुत ही गम्भीर मामला है ।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): वहां पर जो डाक्टर इसके लिए जिम्मेदार था उसको निकाला गया है । मैं यह निवेदन करना चाहता हूं कि यह बहुत ही गम्भीर विषय है । भंडारे जी यह ठीक विषय उठाया है । इस पर कानून मंत्री की ओर से वक्तव्य होना चाहिए ताकि सफाई हो जाय ।

श्री राम नरेश यादव : सारा सदन इसमें अपने आप को सम्बद्ध करता है

श्री कपिल वर्मा (उत्तर प्रदेश) : यह गवर्नमेंट का कैलस एटिट्यूट है । इसमें हाईकमीशन ने कम्प्लीट फेलयौर किया है ।

The High Commissioner must be censured and action must be taken against the people responsible! for it. The Minister should tell us what action he has taken.

THE DEPUTY CHAIRMAN; He is trying to tell. I associate myself with the House that the Chief Justice of the country is a very respectable person. Whoever he may be, the due respect should have been given to him and care should have been given to him.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश : मैं यह कहना चाहता हूं कि वहां पर जो हमारा रिप्रेजटेटिव है उनको सेंसर करने से काम नहीं चलेगा । उनको वापस लेना चाहिए ।

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOS-WAMI): I join this House in paying my tributes to late Sahyasachi Mukherjee, who was an outstanding judge and Jurist and with whom I had the pleasure of working for the last nine months. His death came as a great shock to us. I am aware of some of the allegations which have appeared in the Press also. I have asked for a report, but the basic point? raised by Mr. Bhandare must be dealt with specifically. I have already asked for a report,i but I will ask for a complete report on all the points that have been raised by Mr. Bhandare from the High Commission, and, if I am not satisfied, I will take further action on the matter. But it appeare within one day it will not be possible.

Therefore, what I will do fa whatever material comes to me, I will pass on a copy to Mr. Bhandatre and I will enlighten the House when the House next meets about the steps taken by us.

So far as I am concerned, we instructed that the hon. Chief justice should be given all kinds of facilities that are necessary under the circumstances.

when the dead body arrived, the wife Ci tic High Commissioner and the Deputy Eign Commissioner accompanied the dead body. I went to receive the dead body at the airport. I went to his house also to place a wreath. I also went to the funeral. The hon. Prime Minister also went to the house of the hon. Chief Justice and offered his condolences to the bereaved family, including the wife of the late Chief Justice. Under the portocol arrangements whatever was in practice was followed. I am fully conscious of the protocol arrangement;. It appears that there is a distinction of the protocol procedure between the' President Vice-President and the Prime Minister with that of the Chief Justice of India. I will initiate action as the Law Minister that the hon. Chief Justice of India should also be given the highest protocol procedure because he occupies the highest position in the Indian judiciary.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: He is the pillar of democracy.

SHRI DINESH GOSWAMI: But when this matter came to me I did enquire personally from the officials as to what type of formalities will be observed when his dead body arrives. The problem was that the protocol procedures are already laid down. You are: aware that these procedures are very strictly followed and it was not possible for me within twelve hours to change the protocol procedure. However, I will initiate a move for changing it I cannot assure what ultimately the Cabinet will decide but from my Ministry, I will initiate that the hon. Chief Justice also should be given a much better respect in terms of protocol than probably he has been given so far. I can only assure the hon. Member ray commitment and this Governments commitment foe independence of the judiciary, the respect, the high regard that we have for those who are in the judiciary.

THE DEPUTY CHAIRMAN; Thank you very much... *(Interruptions)*.. .Mrs Desai, what is it? I have! listed special mentions.

RE. APPOINTMENT OF A JOINT PARLIAMENTARY COMMITTEE TO PROBE INTO EXCISE DUTY REFUND CASES

SHRI JAGESH DESAI (Maharashtra): Madam Deputy Chairman, on the 7th of September the! Finance Minister made a statement on refund of excise and customs duties to some people. Madam, he had assured this House that he will lay all the papers on the Table of the House. Now four weeks have passed and we do not know whether the papers have been laid on the Table of the House or not.

DR. YELAMANCHILI SIVAJI (Andhra Pradesh); After identification, the Finance Minister will lay it on the Table of the House.. . *(Interruptions)*. . He might be in the process of identification.

SHRI JAGESH DESAI: Now four weeks have passed and I expected that they will be laid on the Table! of the House on the first day itself of this brief session. So I would like to know whether they lhave been laid on the Table of the House Or not. There are very contradicory statements made by the Finance Minister. The Finance Minister admitted that Mr. Kolse Patil had met him before the issue of the circular. In spite of knowing the facts of the case he did not inform his Ministry. He his also admitted that Mr. Kolse Patil had also met the; Prime Minister and Mr. Kolse Patil had al-o sent a note to the Prime Minister regarding this matter. It appears that this note was sen- to the Finance Ministry. In spite of the Finance Minister knowing all these affairs, it was brought to the notice of the Central Board of Revenue and a circular was issued, a telex was issueld that this must be granted. *(Time bell rings)* Madam, one more point. The Finance Minister wanted to show that even for refunds also such other circulars are issued and telex message are- issued. We pointed out that the circulars and the telex messages were meant only *tor* stopping of refunds. I